

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 RSC-01 /017 W

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R 181306Z DEC 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 6667

C O N F I D E N T I A L LONDON 16498

FOR ALDRICH (L), HARTMAN (EUR), AND WATSON (SCA)

E.O. 11652: GDS-1

TAGS: CASC UK-US

SUBJECT: EXTRADITION: US-UK TREATY

1. WE HAVE REPORTED IN SEPTEL (LONDON 16434) ACCOUNT OF MEETING WHICH COUNSELOR FOR CONSULAR AFFAIRS HAD DEC 12 WITH DIRECTOR PUBLIC PROSECUTIONS RE REPRESENTATION ISSUE IN CONNECTION WITH EXTRADITION PROCEDURES.

2. HOWEVER, I AM PERSONALLY CONCERNED ABOUT WHAT SEEMS TO ME IS A BROADER ISSUE ON THIS GENERAL SUBJECT OF US-UK RELATIONS IN EXTRADITION FIELD. AS I UNDERSTAND SITUATION, WE NEGOTIATED AND AMBASSADOR ANNENBERG WAS GIVEN FULL POWERS TO SIGN (WHICH HE DID ON 8 JUNE 1972) A NEW EXTRADITION TREATY TO REPLACE 1931 INSTRUMENT.

SUBSEQUENTLY, THIS EMBASSY RECEIVED COPY OF LETTER DATED SEPTEMBER 20, 1974, FROM ASSISTANT LEGAL ADVISER MALMBORG TO CONSULAR OFFICER IN UK EMBASSY WASHINGTON ADVISING THAT DEPARTMENT HAD DECIDED NOT TO PROCEED WITH RATIFICATION AND THAT "THE DEPARTMENT OF JUSTICE HAS INDICATED, AND WE THINK WITH GOOD REASON, THAT IT COULD NOT CONCUR IN THE RATIFICATION UNDER PRESENT CIRCUMSTANCES". AS FAR AS I CAN DETERMINE, THIS EMBASSY HAS NEVER RECEIVED OFFICIAL GUIDANCE OR INSTRUCTIONS ON US INTENTIONS ON THIS ISSUE AND REASONS THEREFORE.

3. I WOULD LIKE TO SEE AN APPROPRIATELY HIGH LEVEL REVIEW OF THIS PROBLEM. I CONSIDER IT UNUSUAL THAT WE SHOULD AUTHORIZE AN AMBASSADOR TO SIGN AN AGREEMENT AND THEN DECIDE NOT TO PROCEED WITH RATIFICATION WITHOUT, SO

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FAR AS WE KNOW, CONSULTATIONS WITH EMBASSY OR DEPARTMENT

POLITICAL OFFICERS RESPONSIBLE FOR OUR RELATIONS WITH UK.

4. AS I SEE IT, WE HAVE FOUR CHOICES: (1) STICK WITH THE 1931 AGREEMENT; (2) SEEK A MODIFICATION OR PROTOCOL OF AMENDMENT TO THE 1972 TREATY AND THEN PROCEED WITH RATIFICATION; (3) NEGOTIATE AN ENTIRELY NEW TREATY; (4) PROCEED WITH RATIFICATION OF THE 1972 AGREEMENT WITH WHATEVER DEFECTS IN IT CONCERN US.

4. I WOULD APPRECIATE WASHINGTON REVIEW OF OUR POSITION AND EARLIEST CONVENIENT GUIDANCE ON THIS MATTER. WHILE THIS ISSUE HAS NOT YET ACHIEVED HIGH LEVEL ATTENTION HERE, IT IS ALWAYS POSSIBLE THAT IT MAY DO SO, AND I WOULD LIKE TO GET PRECISE INSTRUCTIONS ON OUR INTENTIONS, WITH WHATEVER EXPLANATORY MATERIALS NECESSARY TO JUSTIFY OUR POSITION. IF THE MATTER CAME UP NOW I WOULD BE AT A LOSS TO EXPLAIN WHAT WE WANT OR HOW WE GOT WHERE WE ARE.

SPIERS

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